

REMARKS:

Claims 44 and 110-112 are presented for examination, with claims 44, 110 and 111 having been amended hereby.

Notice is respectfully taken of the Examiner's indication that claims 110-112 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Of note, claims 110 and 111 have been so rewritten in independent form (including a number of editorial changes). Thus, it is respectfully submitted that claims 110 and 111 are now in condition for allowance. It is also respectfully submitted that claim 112, which depends from claim 111, is likewise now in condition for allowance.

Reconsideration is respectfully requested of the rejection of claim 44 under 35 U.S.C. 102(b) as being anticipated by Wewetzer (Des. 106,074).

It is respectfully submitted that applicant does not necessarily concur with the Examiner in the Examiner's analysis of the claims of the present application and the Wewetzer disclosure.

For example, claim 44 had recited, even before the present amendment, that the second container portion defines an "interior space that is configured to store a writing instrument". It is respectfully submitted that such configuration is neither shown nor even suggested by the Wewetzer disclosure.

Nevertheless, in order to expedite prosecution of the application, claim 44 has been amended hereby to more particularly point out the features of the invention directed to: (1) the second container portion being positioned in a fixed relationship to the sidewall of the first container portion; and (2) the configuration whereby the timepiece is visible when the closure is in the open position and the timepiece is not visible when the closure is in the closed position.

It is believed that these features, as claimed, are neither shown nor suggested by Wewetzer.

In this regard, it is noted with reference to the hand-marked Fig. 1 provided by the Examiner in Appendix A attached to the July 3, 2003 Office Action that the "First Container" and the "Second Container" are attached by a hinge and are moveable relative to one another (that is, they are not positioned in a fixed relationship).

Moreover, it is noted with regard to both Figs. 1 and 2 of that Appendix A that the watch is always visible, regardless of the position of the various components forming the cosmetic container (see particularly Fig. 2, showing the aperture in the "First Container" positioned adjacent the face of the watch).

Therefore, it is respectfully submitted that the rejection of claim 44 under 35 U.S.C. 102(b) as being anticipated by Wewetzer has been overcome.

Accordingly, it is respectfully submitted that the rejection raised by the Examiner in the July 3, 2003 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

More particularly, support for the amendments to the claims is found in claims 42, 44 and 110-112, as filed; at page 7, line 28 to page 8, line 11, as filed; in Figs. 22 and 23 (i.e., Figs. 26 and 27, as filed); and throughout the specification.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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Dated: October 3, 2003

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Moreover, it is noted with regard to both Figs. 1 and 2 of that Appendix A that the watch is always visible, regardless of the position of the various components forming the cosmetic container (see particularly Fig. 2, showing the aperture in the "First Container" positioned adjacent the face of the watch).

Therefore, it is respectfully submitted that the rejection of claim 44 under 35 U.S.C. 102(b) as being anticipated by Wewetzer has been overcome.

Accordingly, it is respectfully submitted that the rejection raised by the Examiner in the July 3, 2003 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.


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